

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RIVER LIGHT V, L.P. and
TORY BURCH LLC,

Plaintiffs,

VS.

LIN & J INTERNATIONAL, INC.,
YOUNGRAN KIM, LJ BRAND, INC.
and NJ LIN & J INTERNATIONAL, INC.,

Defendants.

C.A. NO. 1:13-cv-03669-DLC

**PLAINTIFFS' NOTICE OF MOTION TO STRIKE EXPERT REPORT AND EXCLUDE
PROPOSED TESTIMONY OF DEFENDANTS' EXPERT DR. WARREN J. KEEGAN**

PLEASE TAKE NOTICE that Plaintiffs River Light V, L.P. and Tory Burch LLC (collectively, “Tory Burch”) hereby move to strike the expert report and exclude the proposed testimony of Defendants’ expert witness, Dr. Warren J. Keegan (“Keegan”).

Plaintiffs respectfully request that the Court (1) strike the expert report of Keegan from the evidentiary record for purposes of Plaintiffs' pending motion for summary judgment, and (2) exclude Keegan from testifying as an expert witness in the trial of this matter.

As set forth more fully in Plaintiffs' Memorandum of Law in support of this motion and the exhibits attached thereto, the opinions and conclusions presented in Keegan's report and proposed testimony are inadmissible because they are not the product of reliable principles and methods, and they will not assist the trier of fact in understanding the evidence or determining facts in issue. Keegan is not qualified to give the opinions he offers, improperly states conclusions on issues that should be decided by the trier of fact, and applies incorrect legal standards that are at odds with the law governing this case. Accordingly, his report and proposed testimony should be excluded as improper, irrelevant, not reliable, and not helpful to the trier of fact. *See* FED. R.

EVID. 702; *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 591–94 (1993); *cf. Raskin v. Wyatt*, 125 F.3d 55, 66–67 & n.5 (2d Cir. 1997) (standard for admissibility of expert testimony is the same at summary judgment stage as at trial); *Rund v. JPMorgan Chase Group Long Term Disability Plan*, No. 10-Civ-5284-LAP, 2012 U.S. Dist. Lexis 48525, at *2 (S.D.N.Y. March 30, 2012) (court should consider motion to strike expert report prior to ruling on summary judgment motions).

Dated: October 8, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure on the 8th day of October, 2014, to the following via electronic mail:

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